

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

**IN RE: MARTIN CHRISTOPHER MAXEY
DEBTOR**

**CHAPTER 13
CASE NO. 12-60732**

MOTION TO QUASH GARNISHMENT

Comes now your applicant, **MARTIN CHRISTOPHER MAXEY**, by Counsel, pursuant to Bankruptcy Code §362 (a), and respectfully represents:

1. That your applicant(s) have filed their petition for relief under Chapter 13 of Title 11 of the United States Code;
2. That your applicant is subject to a garnishment issued by: **ALBEMARLE COUNTY GENERAL DISTRICT COURT, 501 EAST JEFFERSON STREET, SUITE 138, CHARLOTTESVILLE, VA 22902-5110**, within 90 days of the filing of the above named petition;
3. That said garnishment is in favor of: **F&S FINANCIAL MARKETING, 1400 RICHMOND ROAD, 2ND FLOOR, CHARLOTTESVILLE, VA 22902**.
4. The EMPLOYER is: **BUCKINGHAM BRANCH RAILROAD, ATTN: PAYROLL, P.O. BOX 336, DILLWYN, VA 23936**;
5. The creditor is attempting to garnish: **EMPLOYEE'S WAGES**.

WHEREFORE, your applicant prays that said garnishment be quashed and that he have such other and further relief as the nature of his case may require.

Date: March 26, 2012

Respectfully submitted,

By: /s/ Heidi Shafer
Counsel for Debtor

COX LAW GROUP, PLLC
900 LAKESIDE DRIVE, SUITE A
LYNCHBURG, VA 24501
(434) 845-2600

Certificate of Service

I certify I have sent by postage prepaid, first class U.S. Mail this pleading to the Debtor; Debtor's Employer: **BUCKINGHAM BRANCH RAILROAD, ATTN: PAYROLL, P.O. BOX 336, DILLWYN, VA 23936**; to the court: **ALBEMARLE COUNTY GENERAL DISTRICT COURT, 501 EAST JEFFERSON STREET, SUITE 138, CHARLOTTESVILLE, VA 22902-5110**; and to the Creditor: **F&S FINANCIAL MARKETING, 1400 RICHMOND ROAD, 2ND FLOOR, CHARLOTTESVILLE, VA 22911**.

/s/ Heidi Shafer
Counsel for Debtor

GARNISHMENT SUMMONS

Commonwealth of Virginia Va. Code §§ 8.01-511, 8.01-512.3

RECEIVED JAN 25 2012

General District Court

COURT NAME

COURT ADDRESS AND TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the hearing date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

DATE OF ISSUANCE OF SUMMONS

CLERK

DATE AND TIME OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

TO GARNISHEE: On check or written answer, include return date, case number and judgment debtor's name. MAKE CHECK PAYABLE TO JUDGMENT CREDITOR AND DELIVER TO THE COURT.

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Homestead Exemption Waived? ☐ yes ☐ no ☐ cannot be demanded

DATE OF ISSUANCE OF WRIT

CLERK

CASE DISPOSITION

I ORDER that

- ☐ the garnishee pay to the judgment creditor through the court \$ net of any credits.
☐ the case be DISMISSED.
☐

DATE ENTERED

JUDGE

F&S Financial Marketing Inc

CASE NO.

GV11011061

JUDGMENT CREDITOR'S NAME

1400 Richmond Rd

STREET ADDRESS

Charlottesville, VA 22911

CITY, STATE, ZIP

TELEPHONE NUMBER

JUDGMENT CREDITOR'S ATTORNEY'S NAME

ADDRESS

TELEPHONE NUMBER

JUDGMENT DEBTOR'S NAME (SERVE)

928 Peking Rd

STREET ADDRESS

Arden, VA 23004

CITY, STATE, ZIP

228-22-4653 N/A

SOCIAL SECURITY NUMBER TELEPHONE NUMBER

GARNISHEE'S NAME

104 S Main St

STREET ADDRESS

Dillwyn, VA 23936

CITY, STATE, ZIP

DATE OF JUDGMENT

STATEMENT

Judgment Principal

Credits

Interest

Judgment Costs

Attorney's Fees

Garnishment Costs

6,502.44 TOTAL BALANCE

The garnishee shall rely on this amount.

HEARING DATE & TIME

5/17/12

@ 2pm

GARNISHMENT SUMMONS

This is a garnishment against (check only one) ☐ the judgment debtor's wages, salary or other compensation. ☐ some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

- ☐ Support
☐ 50% ☐ 55%
☐ 60% ☐ 65%
(if not specified, then 50%)

taxes, 100% above are 34-29(a) language of this the reverse of

JUDGMENT CREDITOR
JUDGMENT DEBTOR PRESENT

DATE

0002/005

BUCKINGHAM BRANCH

03/09/2012 13:12 FAX

Albemarle County General District



Civil Case Details

Albemarle County Gene

Name Search
Case Number Search
Hearing Date Search
Service/Process Search

Name Search
Case Number Search
Hearing Date Search
Service/Process Search

Case Information

Case Number :	GV11011061-01	File Date :	12/13/2011
Case Type :	Garnishment	Debt Type :	

Plaintiff Information

Name	DBA/TA	Address	Judgment	Attorney
F & S FINANCIAL MARKETING				

Defendant Information

Name	DBA/TA	Address	Judgment	Attorney
MAXEY, MARTIN C	BUCKINGHAM BRANCH RAILROAD	DILLWYN, VA 23936		

Hearing Information

Date	Time	Result	Hearing Type	Courtroom
05/17/2012	02:01 PM			

Service/Process

Person Served	Process Type	Date Issued	Date Returned	Plaintiff	How Served

Reports

Report Type	Reporting Agency	Date Ordered	Date Due	Date Received

Judgment Information

Judgment :	Costs :	Attorney Fees :
Principal Amount :	Other Amount :	Interest Award :
Possession :	Writ Issued Date :	Homestead Exemption Waived :
Is Judgment Satisfied :	Date Satisfaction Filed :	Other Awarded :

Further Case

Information :

Garnishment Information

Garnishee : BUCKINGHAM BRANCH RAILRD	Address : DILLWYN, VA 23936	
Garnishee Answer :	Answer Date :	Number of 0 Checks Received :

Appeal Information

Appeal Date :	Appealed By :
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